

REMARKS

Claims 1-23 were pending in the present application.

Claims 1-23 are still pending in the present application.

Rejection of claims 1-23 under 35 U.S.C. §103(a)

The Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over Lewis (5,333,971) in view of Lamp (1,066,822) and Berger (5,292,208). The Applicant respectfully traverses the rejection. In particular, the Applicant respectfully submits that the references cannot be combined as suggested by the Examiner. Consequently, the Applicant respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to produce a seawall panel having the shape of the Applicant's retaining panel and the shape of the Applicant's connectors.

The Examiner relies primarily on Lewis ('971). However, Lewis does not disclose the distal portion of the second flange leveling to being substantially parallel to the proximal portion. Also, Lewis does not disclose the second flange defining a substantially T-shaped portion. Lewis only describes connectors using beads and sockets, wherein the beads and sockets are generally circular in nature. As noted in previous responses, the bead and socket design together with the specific neck angles is absolutely critical to the functionality and purpose of the bulkhead members of Lewis. In column 1, lines 18-26, Lewis explains that the bulkhead members are used to prevent erosion and to contain earth, sand, and gravel adjacent a body of water. In column 1, lines 59-63, Lewis further explains that it is an object to provide a design that is better

adapted to handle the loads placed on it "without weakening the bulkhead or having to shore it up with extraneous means." Furthermore, as explained in column 5, lines 12-29, the bulkhead members taught by Lewis are intentionally designed to be interconnectable at 90° and 180° angles.

The Examiner has asserted that Lewis can be combined with Lamp and Berger in order to arrive at the present invention. The Applicant respectfully submits that such a combination is not permissible under the patent laws. Any such combination would render Lewis unsuitable for its intended purpose. It would likewise change the principle of operation of Lewis. In order to permit the bulkhead members of Lewis (as modified by the Examiner) to be interconnectable at 90° and 180° angles, the connection between the C-shaped and T-shaped portions would have to be so sloppy that the bulkhead members would not be able to fulfill the purpose of preventing erosion and containing earth, sand, and gravel adjacent a body of water. On the other hand, if a suitable connection was provided between the T-shaped and C-shaped portions, then the Applicant respectfully submits that the bulkhead members would not be interconnectable at 90° and 180° angles. Accordingly, the Applicant respectfully submits that there is no suggestion or motivation to combine and modify Lewis in view of Lamp and Berger as suggested by the Examiner.

In light of the lack of motivation to combine the references as suggested by the Examiner, the Applicant further respectfully submits that it would not have been obvious to one of ordinary skill in the art at the time the invention was made to make the distance from the substantially T-shaped portion to the substantially C-shaped portion at least about 24 inches. The Applicant respectfully submits that the strength of the

interlocked connectors of the present invention enables the seawall panels to be at least twenty-four (24) inches long between the substantially C-shaped portion and the substantially T-shaped portion because the connectors provide added structural rigidity, resistance to bowing and flexing from exterior forces, and greater resistance to pullout forces of the interlocking connection of panels.

CONCLUSION

The Applicant has distinguished claims 1-23 over the cited references. In particular, the Applicant respectfully submits that Lewis in view of Lamp and Berger cannot support the rejection of claims 1-23 under 35 U.S.C. §103(a). Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Date: 1/29/02

Respectfully submitted,

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